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Via Overnight Courier

Hon. Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street, Room 640
New York, NY 10007

Re: **Grubin v. Anastasios, et al.**
U.S. District Court Case No. 08-cv-2000 (UA)

Dear Judge McMahon:

We feel compelled to respond to the letter addressed to Your Honor and dated March 17, 2008, from Gil M. Coogler, counsel for defendants Robert L. Rattet, Jonathan S. Pasternak, and Rattet, Pasternak & Gordon Oliver, LLP (the "Rattet Parties"), who initiated this matter by filing their Motion to Withdraw the Bankruptcy Reference.

Drinker Biddle & Reath and the undersigned are counsel of record for the Chapter 11 Trustee, Janice B. Grubin (the "Trustee"), in the case of *Grubin v. Anastasios Gianopoulos, et al.*, U.S. Bankruptcy Court for the Southern District of New York, Adv. Proc. No. 07 A 08221 (MG), which is currently pending before Judge Martin Glenn. It is that matter which is the subject of the Rattet Parties' Motion to Withdraw the Bankruptcy Reference, which has been referred to Your Honor and given No. 08-CV-2000. As Your Honor may be aware, Judge Glenn, pursuant to his Order dated February 26, 2008, ordered the Trustee and the Rattet Parties to brief the issue of whether or not that matter is a core proceeding pursuant to 28 U.S.C. 157(B)(2)(a).

According to the Clerk of the District Court for the Southern District of New York (the "Clerk's Office"), No. 08-CV-2000 has not yet been formally accepted by Your Honor for assignment and remains unassigned, as reflected on the docket sheet for this matter.

Our calls to the Clerk's Office were prompted by our concern regarding the briefing schedule for our response in opposition to the Motion to Withdraw the Bankruptcy Reference. In our conversations on March 5th and March 12th with the Clerk's Office, we were informed that if Your Honor accepted the assignment, an entry on the District Court Docket (the "Docket") would be made, and the effective date of the assignment would be the date of that docket entry. We were also informed that should Your Honor decline the referral, this matter would be randomly assigned to another

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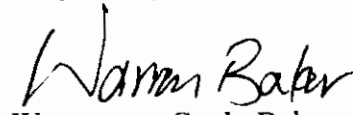
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Judge, which, upon acceptance, would likewise be reflected on the Docket. Our understanding was that until acceptance by Your Honor (or such other Judge) and formal assignment of the case appeared on the Docket, a briefing schedule would not commence until such time. We were further informed by the Clerk's Office that the so-called Notice of Assignment filed by the Rattet parties on March 11, 2008 was on their own initiative, had not been directed by the Clerk's Office, and did not constitute assignment of this matter to Your Honor.

It has been clear from the outset to counsel for the Rattet Parties that the Trustee fully intends to respond to and oppose their Motion to Withdraw the Bankruptcy Reference of this matter. Indeed, as recently as March 12th, the undersigned stated to John Collen, co-counsel for the Rattet Parties, the information from the Clerk's Office that, while referred to Your Honor, this case was still unassigned, and that the Trustee only awaited the filing of assignment of this matter on the Docket to inform us as to when our brief in opposition was due.

We will proceed as Your Honor directs, but wish to reiterate that the Trustee has not waived her right to oppose the Motion to Withdraw the Bankruptcy Reference, as we feel the foregoing makes quite clear.

Very truly yours,


Warren von Credo Baker

WB/ajcp

cc: Janice B. Grubin, Esq., Chapter 11 Trustee (via e-mail)
Gil M. Coogler, Esq. (via e-mail)